

UNITED STATES DISTRICT COURT
CLERK'S OFFICE
FOR THE DISTRICT OF MASSACHUSETTS

FILED
105 MAR 11 P 12: 56

| |
|--|
| RICHARD P. BEAUREGARD) and LAURA BEAUREGARD,) Plaintiffs) V.) EVEREST PARTNERS, LLC) Defendant) _____ MAGISTRATE JUDGE <i>SLA</i> |
|--|

05 10472 RGS

CIVIL ACTION

RECEIPT NO: *12693*

AMOUNT \$ *250.00*

SUMMONS ISSUED *1*

LOCAL RULE 4.1 *1*

WAIVER FORM *1*

MCF ISSUED *1*

BY DPTY. CLK *M.R.*

DATE *3/11/2005*

COMPLAINT

Parties

1. The plaintiff, Richard P. Beauregard, is a resident of Lowell, Middlesex County, Commonwealth of Massachusetts and a citizen of the United States.
2. The plaintiff, Laura Beauregard, is the wife of the plaintiff, Richard P. Beauregard, and a resident of Lowell, Middlesex County, Commonwealth of Massachusetts and a citizen of the United States.
3. Everest Partners, LLC is a limited liability corporation organized under the Laws of the State of New York with a principal place of business in Massachusetts at 99 Rosewood Drive, Suite 270, Danvers, MA 01946-0000, USA.

Jurisdiction

4. This court has jurisdiction over this matter is based upon the diversity of citizenship of the parties pursuant to 28 U.S. C. §1332.

Facts

5. On March 28, 2003, Richard P. Beauregard, was an employee of Everest Partners,

HOWARD H. SWARTZ
ATTORNEY AT LAW
3 SUMMER STREET
CHELMSFORD, MASS. 01824

TEL. (978) 256-9655
(978) 441-9229

LLC.

6. On March 28, 2003, Richard P. Beauregard sustained an industrial injury to his left knee, arising out of and in the course of his employment as a maintenance man for Everest Partners, LLC when he fell down a set of stairs located at a building maintained by Everest Partners, LLC located at 99 Rosewood Drive, Danvers, MA.

7. On March 28, 2003, Everest Partners, LLC failed to maintain workers's compensation coverage on its employees in the Commonwealth of Massachusetts, and, in particular on the plaintiff, Richard P. Beauregard, as is required by Massachusetts General Laws, Chapter 152.

8. As a direct and proximate result of the aforementioned accident, the plaintiff, Richard P. Beauregard, was caused to sustain severe and permanent personal injuries and disfigurement, was caused to be disabled and will be disabled in the future, was caused and will be caused great pain of body and mind, and has been caused to incur and will continue to incur great medical and hospital expenses for said injuries. Plaintiff's ability to enjoy life and earn income and attend to his usual activities, has been greatly damaged, and his is permanently disabled.

9. As a direct and proximate result of the negligence of the defendants, Everest Partners, LLC, the plaintiff, Laura Beauregard, has been and continues to be deprived of her husband's services, support, society and companionship. Her comfort and happiness have likewise been and continue to be impaired.

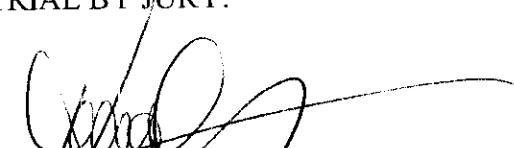
WHEREFORE, the plaintiffs demand judgement against the defendants for damages and such other relief as this Court deems just.

HOWARD H. SWARTZ
ATTORNEY AT LAW
3 SUMMER STREET
CHELMSFORD, MASS. 01824

—
TEL. (978) 256-9655
(978) 441-9229

THE PLAINTIFFS HEREBY DEMAND A TRIAL BY JURY.

Dated: March 9, 2005


Howard H. Swartz, Esquire
Attorney for the Plaintiffs
Law Offices of Howard H. Swartz, P.C.
3 Summer Street
Chelmsford, MA 01824
978-256-9655
BBO #489620

HOWARD H. SWARTZ
ATTORNEY AT LAW
3 SUMMER STREET
CHELMSFORD, MASS. 01824

TEL. (978) 256-9655
(978) 441-9229

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

U.S. OFFICE

I. (a) PLAINTIFFS

Richard P. Beauregard and Laura Beauregard

(b) County of Residence of First Listed Plaintiff Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Howard H. Swartz, Esquire 978-256-9655
3 Summer Street, Chelmsford, MA 01824**DEFENDANTS**

Everest Partners, LLC IP 12: 56

County of Residence of First Listed Defendant

05 162-1040 PGS
(NOTE: IN U.S. PLAINTIFF CASES ONLY USE THE LOCATION OF THE LAND INVOLVED)

Attorneys (If Known)

Mullen & McGourty 617-338-9200
52 Temple Place, Boston, MA 02111**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

| | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| Citizen of This State | PTF <input checked="" type="checkbox"/> X | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> X |
|---|--|-----------------------------------|---|-----------------------------------|--|
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|---|---|---|--|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 450 Commerce | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 510 Other | <input type="checkbox"/> 510 Other |
| <input type="checkbox"/> 190 Other Contract | <input checked="" type="checkbox"/> X 360 Other Personal Injury | <input type="checkbox"/> PERSONAL PROPERTY | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 810 Selective Service |
| <input type="checkbox"/> 195 Contract Product Liability | | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 850 Securities/Commodities Exchange |
| <input type="checkbox"/> 196 Franchise | | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | SOCIAL SECURITY | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | Habeas Corpus: | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 530 General | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 864 SSDI Title XVI | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| | | | <input type="checkbox"/> 720 Labor/Mgmt. Relations | |
| | | | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | |
| | | | <input type="checkbox"/> 740 Railway Labor Act | |
| | | | <input type="checkbox"/> 790 Other Labor Litigation | |
| | | | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | |
| | | | <input type="checkbox"/> 872 Black Lung (923) | |
| | | | <input type="checkbox"/> 873 DIWC/DIWW (405(g)) | |
| | | | <input type="checkbox"/> 874 SSDI Title XVI | |
| | | | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 | |
| | | | <input type="checkbox"/> 876 RSI (405(g)) | |
| | | | <input type="checkbox"/> 877 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 878 Other Labor Litigation | |
| | | | <input type="checkbox"/> 879 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 880 Other | |
| | | | <input type="checkbox"/> 881 Selective Service | |
| | | | <input type="checkbox"/> 882 Appeals Act | |
| | | | <input type="checkbox"/> 883 Environmental Matters | |
| | | | <input type="checkbox"/> 884 Energy Allocation Act | |
| | | | <input type="checkbox"/> 885 Freedom of Information Act | |
| | | | <input type="checkbox"/> 886 RSI (405(g)) | |
| | | | <input type="checkbox"/> 887 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 888 Other Labor Litigation | |
| | | | <input type="checkbox"/> 889 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 890 Other | |
| | | | <input type="checkbox"/> 891 Selective Service | |
| | | | <input type="checkbox"/> 892 Appeals Act | |
| | | | <input type="checkbox"/> 893 Environmental Matters | |
| | | | <input type="checkbox"/> 894 Energy Allocation Act | |
| | | | <input type="checkbox"/> 895 Freedom of Information Act | |
| | | | <input type="checkbox"/> 896 RSI (405(g)) | |
| | | | <input type="checkbox"/> 897 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 898 Other Labor Litigation | |
| | | | <input type="checkbox"/> 899 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 900 Other | |
| | | | <input type="checkbox"/> 901 Selective Service | |
| | | | <input type="checkbox"/> 902 Appeals Act | |
| | | | <input type="checkbox"/> 903 Environmental Matters | |
| | | | <input type="checkbox"/> 904 Energy Allocation Act | |
| | | | <input type="checkbox"/> 905 Freedom of Information Act | |
| | | | <input type="checkbox"/> 906 RSI (405(g)) | |
| | | | <input type="checkbox"/> 907 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 908 Other Labor Litigation | |
| | | | <input type="checkbox"/> 909 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 910 Other | |
| | | | <input type="checkbox"/> 911 Selective Service | |
| | | | <input type="checkbox"/> 912 Appeals Act | |
| | | | <input type="checkbox"/> 913 Environmental Matters | |
| | | | <input type="checkbox"/> 914 Energy Allocation Act | |
| | | | <input type="checkbox"/> 915 Freedom of Information Act | |
| | | | <input type="checkbox"/> 916 RSI (405(g)) | |
| | | | <input type="checkbox"/> 917 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 918 Other Labor Litigation | |
| | | | <input type="checkbox"/> 919 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 920 Other | |
| | | | <input type="checkbox"/> 921 Selective Service | |
| | | | <input type="checkbox"/> 922 Appeals Act | |
| | | | <input type="checkbox"/> 923 Environmental Matters | |
| | | | <input type="checkbox"/> 924 Energy Allocation Act | |
| | | | <input type="checkbox"/> 925 Freedom of Information Act | |
| | | | <input type="checkbox"/> 926 RSI (405(g)) | |
| | | | <input type="checkbox"/> 927 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 928 Other Labor Litigation | |
| | | | <input type="checkbox"/> 929 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 930 Other | |
| | | | <input type="checkbox"/> 931 Selective Service | |
| | | | <input type="checkbox"/> 932 Appeals Act | |
| | | | <input type="checkbox"/> 933 Environmental Matters | |
| | | | <input type="checkbox"/> 934 Energy Allocation Act | |
| | | | <input type="checkbox"/> 935 Freedom of Information Act | |
| | | | <input type="checkbox"/> 936 RSI (405(g)) | |
| | | | <input type="checkbox"/> 937 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 938 Other Labor Litigation | |
| | | | <input type="checkbox"/> 939 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 940 Other | |
| | | | <input type="checkbox"/> 941 Selective Service | |
| | | | <input type="checkbox"/> 942 Appeals Act | |
| | | | <input type="checkbox"/> 943 Environmental Matters | |
| | | | <input type="checkbox"/> 944 Energy Allocation Act | |
| | | | <input type="checkbox"/> 945 Freedom of Information Act | |
| | | | <input type="checkbox"/> 946 RSI (405(g)) | |
| | | | <input type="checkbox"/> 947 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 948 Other Labor Litigation | |
| | | | <input type="checkbox"/> 949 Empl. Ret. Inc. Security Act | |
| | | | <input type="checkbox"/> 950 Other | |

V. ORIGIN

(Place an "X" in One Box Only)
 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:
Employer failed to carry State mandated workers compensation coverage on**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMANDS** CHECK YES only if demanded in complaint
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

March 9, 2005

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

AMOUNT

APPLYING IPP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED

CLERKS OFFICE

1. Title of case (name of first party on each side only)
Richard P. Beauregard v. Everest Partners, LLC

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

U.S. DISTRICT COURT
DISTRICT OF MASS
*Also complete AO 120 or AO 121
for patent, trademark or copyright cases

05 10472 RGS

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

None

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Howard H. Swartz, EsquireADDRESS 3 Summer Street, Chelmsford, MA 01824TELEPHONE NO. 978-256-9655